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LOCAL GOVERNMENT ACT 1995

SHIRE OF COLLIE

STANDING ORDERS LOCAL LAW 2008

LOCAL GOVERNMENT ACT 1995**SHIRE OF COLLIE****STANDING ORDERS LOCAL LAW 2008****TABLE OF CONTENTS****PART 1—PRELIMINARY**

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LOCAL GOVERNMENT ACT 1995

SHIRE OF COLLIE

STANDING ORDERS LOCAL LAW 2008

Under the powers conferred upon it by the *Local Government Act 1995* the Council of the Shire of Collie resolved on 16 December 2008, to make this local law.

PART 1—PRELIMINARY**1.1 Citation**

- (1) This local law may be cited as the *Shire of Collie Standing Orders Local Law 2008*.
- (2) In the clauses to follow, this local law is referred to as “these Standing Orders”.

1.2 Commencement

By virtue of section 3.14 of the Act, these Standing Orders come into operation 14 days after the date of their publication in the *Government Gazette*.

1.3 Application and intent

- (1) These Standing Orders provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Standing Orders.
- (3) These Standing Orders are intended to result in—
 - (a) better decision making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In these Standing Orders, unless the context otherwise requires—
 - “absolute majority” has the same meaning as given to it in the Act;
 - “75% majority” has the same meaning as given to it in the Act;
 - “Act” means the *Local Government Act 1995*;
 - “CEO” means the Chief Executive Officer or Acting Chief Executive Officer of the Shire;
 - “clause” means a clause of these Standing Orders;
 - “committee” means a committee of the Council established under section 5.8 of the Act;
 - “Council” means the Council of the Shire;
 - “Councillor” has the same meaning as is given to it in the Act;
 - “employee” has the same meaning as is given to it in the Act;
 - “meeting” means a meeting of the Council or a committee, as the context requires;
 - “Member” has the same meaning as given to it in the Act;
 - “Minister” means the Minister responsible for administering the Act;
 - “minor amendment”, has the meaning referred to in clause 4.4(8) and (9);
 - “ordinary meeting” has the same meaning as in section 5.3 of the Act and clause 2.1(2);
 - “President” means the President of the Shire or other Presiding Member at a Council meeting under section 5.6 of the Act;
 - “Presiding Member” means—
 - (a) in respect of the Council, the person presiding under section 5.6 of the Act (see clause 3.1); and
 - (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 3.4 and 3.5);
 - “Regulations” means the *Local Government (Administration) Regulations 1996*.

“section” means a section of the Act;

“Shire” means the Shire of Collie;

“simple majority” means more than 50% of the Members present and voting;

“special meeting” has the same meaning as in section 5.3 of the Act and clause 2.1(3); and

“substantive motion” means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion.

(2) Unless otherwise defined, the terms and expressions used in these Standing Orders are to have the meaning given to them in the Act and Regulations.

1.5 Repeal

The Shire of Collie Local Law No. 1—Standing Orders as published in the *Government Gazette* on 13 November 1998 is hereby repealed.

PART 2—MEETINGS OF COUNCIL

2.1 Ordinary and special Council meetings

(1) Ordinary and special Council meetings are dealt with in the Act.

(2) An ordinary meeting of the Council, held on a twice-monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Convening Council meetings

(1) The convening of a Council meeting is dealt with in the Act.

(2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.

(3) Where, in the opinion of the President or at least 1/3 of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

2.4 Calling committee meetings

A meeting of a committee is to be held—

(a) if called for in a verbal or written request to the CEO by the presiding member of the committee, setting out the date and purpose of the proposed meeting;

(b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or

(c) if so decided by the committee.

2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

PART 3—PRESIDING MEMBER AND QUORUM

Division 1: Who presides

3.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

3.2 When the Deputy President can act

When the Deputy President can act at a Council meeting is dealt with in the Act.

3.3 Who acts if no President or Deputy President

Who acts if there is no President or Deputy President at a Council meeting is dealt with in the Act.

3.4 Election of Presiding Members of committees

The election of Presiding Members of committees is dealt with in the Act.

3.5 Election of Deputy Presiding Members of committees

The election of Deputy Presiding Members of committees is dealt with in the Act.

3.6 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

3.7 Who acts if no Presiding Member

Who acts if no Presiding Member is dealt with in the Act.

Division 2—Quorum

3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

3.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

3.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

3.12 Procedure where quorum not present during a meeting

(1) If at any time during the course of a meeting of the Council or a committee a quorum is not present—

- (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or
 - (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period of 5 minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) (b)—
- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting—
 - (i) the names of members who have spoken on the matter prior to the adjournment, are to be recorded in the minutes; and
 - (ii) the provisions of clause 7.9 apply when the debate is resumed.

3.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned for want of a quorum,

the names of the Members then present are to be recorded in the minutes.

PART 4—BUSINESS OF A MEETING**4.1 Business to be specified**

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.

(2) No business is to be transacted at a special meeting of the Council other than that specified in the notice as the purpose of the meeting.

(3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice as the purpose of the meeting, without the approval of the Presiding Member or the committee.

(4) Subject to subclause (5), no business is to be transacted at an adjourned meeting of the Council or a committee other than that—

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved.

(5) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with under item (j) (under clause 4.2(1)) at that ordinary meeting.

4.2 Order of business

(1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows—

- (a) Opening/Attendance/Apologies and Leave of Absence
- (b) Australian Citizenship Ceremony
- (c) Public Question Time
- (d) Responses to Previous Public Questions Taken on Notice
- (e) Disclosure of Financial/Impartiality Interest
- (f) Petitions/Deputations/Presentations/Submissions
- (g) Notification of Matters for which the Meeting may be Closed to the Public
- (h) Items Brought Forward Due to Interest by Attending Persons

- (i) Confirmation of the Previous Meetings of Council Minutes
 - (j) Business Arising from the Previous Minutes
 - (k) Receipt of Minutes of Committee Meetings held since the Previous Meeting of Council
 - (l) Receipt of Non-Council Committee Minutes Presented to Council
 - (m) Officer Reports
 - (n) Motions for Which Prior Notice has been Given
 - (o) Questions by Members for Which due Notice has been Given
 - (p) Urgent Business Approved by the Presiding Member or by Decision
 - (q) Announcements by the Presiding Member and Councillors
 - (r) Councillor Documents of Interest
 - (s) Elected Members Training Opportunities
 - (t) Status Report on Council Resolution
 - (u) Closure of Meeting to Members of the Public
 - (v) Close
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

4.3 Announcements from the Presiding Member

Announcements by the Presiding Member under item 4 of clause 4.2(1) (q) are—

- (a) to inform the Council of official duties performed, or functions attended, by the President and Councillors, or of other matters of importance to the Council, of which the Council has not previously been informed;
- (b) to be brief and concise;
- (c) to be completed within 10 minutes; and
- (d) not to be the subject of any discussion.

4.4 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a Member may raise at a meeting such Shire business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included in the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 4 clear working days before the meeting at which the motion is to be moved.
- (3) A notice of motion must relate to the good governance of the Shire.
- (4) The CEO—
- (a) with the concurrence of the President, may exclude from the agenda any notice of motion that is considered to be, or may involve, a breach of any of these Standing Orders (such as clauses 7.8 and 7.15) or any other written law; or,
 - (b) may make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (c) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all Members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless—
- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses under subclause (6), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.
- (8) An amendment, other than a minor amendment, to a motion of which notice has been given under this clause, is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00 noon on the last working date preceding the day of the meeting at which the relevant motion is to be considered.
- (9) The Presiding Member—
- (a) is to determine whether an amendment is a minor amendment for the purposes of subclause (8); and
 - (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

4.5 New business of an urgent nature

In cases of extreme urgency or other special circumstances, matters may, with the consent of the person presiding, or by decision of the members present, be raised without notice and decided by the meeting.

PART 5—PUBLIC PARTICIPATION**5.1 Meetings generally open to the public**

Meetings being generally open to the public is dealt with in the Act.

5.2 Meetings not open to the public

(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting but for the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

(3) If a resolution under subclause (2) is carried—

(a) the Presiding Member is to direct everyone to leave the meeting except—

(i) the Members;

(ii) the CEO; and

(iii) any officer specified by the Presiding Member; and

(b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.

(4) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.

(5) While the resolution under subclause (2) remains in force, the operation of clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

(6) A resolution under this clause may be made without notice of the relevant motion.

(7) Once the meeting is reopened to members of the public, the Presiding Member may cause that any resolution of the Council or committee made while the meeting was closed is read out.

5.3 Question time for the public

Question time for the public is dealt with in the Act.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

5.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

5.7 Other procedures for question time for the public

(1) A member of the public who wishes to ask a question during question time is to—

(a) first state his or her name and address;

(b) direct the question to the Presiding Member;

(c) ask the question as briefly and concisely;

(d) limit any preamble to matters directly relevant to the question; and

(e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.

(2) Each member of the public is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(3) A member of the public is to have up to 2 minutes to ask a question.

(4) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.

(5) Unless the Presiding Member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.

(6) Where a member of the public gives written notice of a question, the Presiding Member may determine that the question is to be responded to as normal business correspondence.

(7) A question may be taken on notice by the Council or committee for later response.

(8) When a question is taken on notice, the CEO is to ensure that—

(a) a written response is given to the person who asked the question; and

(b) a summary of the response is included in the agenda for the next meeting of the Council or committee.

(9) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to—

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

- (10) A response to a question—
- (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a Member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the Presiding Member) the Member may correct or clarify the matter.
- (11) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (12) The Presiding Member may decide that a question is not to be responded to where—
- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the Presiding Member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which, if asked by a Member, would be in breach of these Standing Orders or any other law.
- (13) The Council or committee, by resolution, may agree to extend public question time.

5.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member—

- (a) may invite the distinguished visitor to sit beside the Presiding Member or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting;
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Deputations

- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the President, or the Presiding Member as the case may be.
- (2) The President, if the request is to attend a Council meeting, or the Presiding Member of the committee, if the request is to attend a meeting of a committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting—
- (a) is not to exceed 5 persons, only 2 of whom may address the Council or committee, although others may respond to specific questions from the members; and
 - (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

5.10 Petitions

- (1) A petition is to—
- (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language; and
 - (h) comply with any form prescribed by the Act and any other written law, such as the *Local Government (Constitution) Regulations 1998* if, for example, it is—
 - (i) a proposal to change the method of filling the office of President;
 - (ii) a proposal to create a new district or boundaries of the Shire;
 - (iii) a request for a poll on a recommended amalgamation; or
 - (iv) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.

5.11 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who—
- (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a Member of that committee.

(2) A Member may attend, as an observer, any meeting of a committee of which he or she is not a Member or the deputy of a Member, but is to sit in an area set aside by the CEO for observers separated from the committee members.

(3) Without the consent of the Presiding Member, no person is to address a committee meeting.

(4) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.

(5) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.

(6) A person who fails to comply with a direction of the Presiding Member under subclause (5) may, by order of the Presiding Member, be removed from the committee room.

(7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

5.12 Public inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire offices and on the Shire's website.

5.13 Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—

- (a) identified in the agenda of a Council or committee meeting under the item "Matters for which meeting may be closed";
- (b) marked "*Confidential*" in the agenda; and
- (c) kept confidential by Members and employees until the Council or committee resolves otherwise.

5.14 Recording of proceedings

(1) Unless authorised by the Council or the relevant committee, a person (including a Member) is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or committee without the permission of the Presiding Member or the Chief Executive Officer.

(2) If the Presiding Member or the CEO gives permission under subclause (1), he or she is to advise the meeting, immediately before the recording is commenced, that permission has been given and the nature and extent of that permission.

5.15 Prevention of disturbance

(1) A reference in this clause to a person is to a person other than a Member.

(2) A person addressing the Council or committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the Presiding Member.

(3) A person present at a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(4) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee.

PART 6—QUESTIONS BY MEMBERS

6.1 Questions on notice

(1) A Member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 4 clear working days before the meeting.

(2) If the CEO considers that the question breaches or may breach these Standing Orders or any other law—

- (a) the CEO is to refer the question to the President;
- (b) the President is to exclude the question if he or she concurs with the view of the CEO; and
- (c) if the question is excluded, the CEO is to give all Members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.

(3) Notice of a question that is not excluded is to be included, if practicable, in the agenda, or is otherwise to be tabled at the meeting.

6.2 Questions without notice

(1) A Member who wishes to seek general information from the CEO at a Council meeting may, without notice—

- (a) ask the CEO a question; and
- (b) with the consent of the Presiding Member, ask the CEO one or more further questions.

(2) Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that—

- (a) the question be placed on notice for the next meeting of the Council; or
- (b) the answer to the question be given within 7 days to the Member.

6.3 Questions during debate

At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.

6.4 Restrictions on questions and answers

- (1) Questions asked by a Member, and responses given by a Member or an employee—
 - (a) are to be brief and concise; and
 - (b) are not to be accompanied by—
 - (i) expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the Presiding Member.
- (2) In answering any question, a Member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

PART 7—CONDUCT OF MEMBERS

7.1 Members to be in their proper places

- (1) At the first meeting held after each ordinary election day—
 - (a) the CEO is to allot a position at the Council table to each Member; and
 - (b) the allotment is to be determined by random draw.
- (2) The allotted positions remain unless and until the Council determines otherwise.
- (3) Each Member is to occupy his or her allotted position at each Council meeting.

7.2 Respect to the Presiding Member

After the business of a meeting has commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

7.3 Titles to be used

A speaker, when speaking or referring to the President, Deputy President or Presiding Member, or to a Member or employee, is to use the title of that person's office.

7.4 Entering or leaving a meeting

During the course of a meeting, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time, and the specific place within an agenda item, of the Member's entry or departure.

7.5 Member to indicate intention to speak

A Member who wishes to speak—

- (a) is to indicate his or her intention to speak by raising his or her hand; and
- (b) when invited by the Presiding Member to speak, address the meeting through the Presiding Member.

7.6 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

7.7 Presiding Member may take part in debates

Subject to compliance with these Standing Orders, the Presiding Member may take part in a discussion of any matter before the meeting.

7.8 Relevance

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may—
 - (a) call the attention of the meeting to—
 - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
 - (ii) any breach of order or decorum by a Member; and
 - (b) direct that Member, if speaking, to discontinue his or her speech.
- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

7.9 Speaking twice

- (1) A Member is not to address the Council more than once on any motion or amendment except—
 - (a) as the mover of a substantive motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.

(2) A Member who asks a question before speaking has not addressed the Council for the purposes of this clause.

7.10 Duration of speeches

A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without discussion.

7.11 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the question has been put.

7.12 No interruption

A Member is not to interrupt another Member who is speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 10.1 (b))

7.13 Personal explanations

(1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.

(2) A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

(3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

(4) The ruling of the person presiding on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

7.14 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

7.15 Adverse reflection

(1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed.

(2) A Member is not—

- (a) to reflect adversely on the character or actions of another Member; or
- (b) to impute any motive to a Member,

unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(3) A Member is not to use offensive or objectionable expressions in reference to any Member.

(4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes the Presiding Member is to cause the words used to be recorded in writing and read to the meeting for verification and then record those words in the minutes.

7.16 Withdrawal of offensive language

(1) A Member who, in the opinion of the Presiding Member, uses an expression which—

- (a) in the absence of a resolution under clause 7.15—
 - (i) reflects adversely on the character or actions of another Member or employee; or
 - (ii) imputes any motive to a Member or employee; or
- (b) is offensive or insulting,

must, when directed by the Presiding Member or by a decision of the Council or Committee, withdraw the expression and make a satisfactory apology.

(2) If a Member fails to comply with a direction of the Presiding Member, Council or committee under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

PART 8—PRESERVING ORDER

8.1 Presiding Member to preserve order

(1) The Presiding Member is to preserve order, and, whenever he or she considers it necessary, may call any Member to order.

(2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to cease speaking and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.

(3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 7.7, but to preserve order.

8.2 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of—
 - (a) any of these Standing Orders; or
 - (b) any other written law.
- (2) Examples of valid points of order are—
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated; and
 - (b) a speaker's use of offensive or objectionable expressions or adverse reflection on a decision of the Council.
- (3) Despite anything in these Standing Orders to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except in accordance with clause 7.12.
- (2) A Member interrupted on a point of order is to cease speaking until—
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order,and, if permitted, the Member who has been interrupted may then proceed.

8.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Standing Orders.

8.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order—
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that—
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

8.6 Continued breach of order

If a Member persists in any conduct that the Presiding Member had ruled is out of order the Presiding Member may direct the Member to refrain from taking any further part in that meeting, other than by voting, and the Member is to comply with that direction.

8.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

PART 9—DEBATE OF SUBSTANTIVE MOTIONS

9.1 Motions to be stated and in writing

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

9.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 15.1).

9.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.

(2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.

(3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.

(4) If a Member opposes a motion, the motion is to be dealt with under this Part.

(5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting.

9.4 Only one substantive motion at a time

The Council or a committee—

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

9.5 Complex motions

The Presiding Member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.6 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

9.7 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

9.8 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

9.9 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

9.10 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

9.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

9.12 Relevance of amendments

An amendment must be relevant to the motion in respect of which it is moved.

9.13 Mover of motion not to speak on amendment

On an amendment being moved, any member may speak to the amendment, provided that if the person who moved the substantive motion does choose to speak to the amendment, the right of reply is forfeited by that person.

9.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

9.15 Withdrawal of motion or amendment

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

9.16 Right of reply

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.

(2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

- (3) The right of reply is governed by the following provisions—
- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
 - (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
 - (c) the mover of any amendment does not have a right of reply;
 - (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 9), a Member may move any of the following procedural motions—

- (a) that the meeting proceed to the next item of business;
- (b) that the Member be no longer heard;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the meeting be closed to the public;
- (f) that the meeting now adjourn; and
- (g) that the ruling of the Presiding Member be disagreed with.

10.2 No debate

(1) The mover of a motion specified in paragraph (a), (c), (e), (f) or (g) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion specified in paragraph (b) or (d) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

A Member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Procedural motions—right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

10.5 Meeting to proceed to the next business

The motion “that the meeting proceed to the next business”, if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

10.6 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

10.7 Debate to be adjourned

A motion “that the debate be adjourned”—

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried—
 - (i) has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion;
 - (ii) the names of Members who have spoken on the matter are to be recorded in the minutes; and
 - (iii) the provisions of clause 7.9 apply when the debate is resumed as if there had been no adjournment.

10.8 Question to be put

(1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

10.9 Meeting be closed to the public

Provisions dealing with the closure of a meeting to the public are set out in clause 5.2.

10.10 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same meeting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to proceed to the transaction of unopposed business.
- (3) A motion “that the meeting now adjourn”—
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

10.11 Ruling of the Presiding Member to be disagreed with

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 11—DISCLOSURE OF INTERESTS**11.1 Disclosure of interests**

Members and officers must deal with all interests and potential conflicts of interest in accordance with the requirements of the Act, the *Local Government (Rules of Conduct) Regulations 2007*, the Shire’s Code of Conduct and all other legal obligations.

11.2 Separation of Committee Recommendations

Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

11.3 Member with an Interest may ask to be Present

- (1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, without disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.
- (2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

11.4 Member with an Interest may ask Permission to Participate

- (1) A member who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.
- (2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of an interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

11.5 Invitation to Return to Provide Information

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member’s interest in the matter and in such case the member is to withdraw after providing the information.

11.6 Disclosures by Employees

- (1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.
- (2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

PART 12—VOTING**12.1 Question—when put**

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—
 - (a) is to put the question to the Council or the committee; and
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

12.2 Voting

Voting is dealt with in the Act and the Regulations.

12.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

12.4 Method of taking vote

- (1) In taking the vote on any motion or amendment, the Presiding Member—
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a Member calls for a division—
 - (a) those voting in the affirmative are to pass to the right of the Chair; and
 - (b) those voting in the negative are to pass to the left of the Chair.
- (4) For every division, the CEO is to ensure that the minutes record—
 - (a) the name of each Member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

PART 13—MINUTES OF MEETINGS**13.1 Keeping of minutes**

The keeping and confirmation of minutes are dealt with in the Act.

13.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

13.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

13.4 Confirmation of minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

PART 14—ADJOURNMENT OF MEETING**14.1 Meeting may be adjourned**

The Council or a committee may adjourn any meeting—

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

14.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under these Standing Orders—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 7.9 apply when the debate is resumed as if there had been no adjournment.

14.3 Time To Which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the person presiding to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

PART 15—REVOKING OR CHANGING DECISIONS**15.1 Requirements to revoke or change decisions**

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

15.2 Limitations on powers to revoke or change decisions

(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—

- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.3 to implement the decision; or
- (b) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

15.3 Implementing a decision

(1) In this clause—

- (a) “**authorisation**” means a licence, permit, approval or other means of authorising a person to do anything;
- (b) “**implement**”, in relation to a decision, includes—
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
- (c) “**valid notice of revocation motion**” means a notice of a motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Standing Orders and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(4) A decision made at a meeting is not to be implemented by the CEO or any other person—

- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
- (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(5) The CEO is to ensure that members of the public attending the meeting are informed, by an appropriate notice, that a decision to grant an authorisation—

- (a) is to take effect only in accordance with this clause; and
- (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 16—SUSPENSION AND NON-APPLICATION OF STANDING ORDERS**16.1 Suspension of Standing Orders**

(1) A Member may, at any time, move that the operation of one or more of the provisions of these Standing Orders be suspended.

(2) A Member moving a motion under subclause (1) is to state the reasons for the motion, but no other discussion is to take place.

(3) A motion under subclause (1) which is—

- (a) seconded; and
- (b) carried by an absolute majority,

is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

16.2 Where Standing Orders do not apply

(1) In situations where—

- (a) these Standing Orders have been suspended; or
- (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,

the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 10.11.

PART 17—COMMITTEES**17.1 Establishment of committees**

(1) The establishment of committees is dealt with in the Act.

(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—

- (a) the terms of reference of the committee;
- (b) the number of Council Members, officers and other persons to be appointed to the committee;

- (c) the names or titles of the Council Members and officers to be appointed to the committee;
- (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
- (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

17.2 Types of committees

The types of committees are dealt with in the Act.

17.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

17.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

17.5 Appointment of committee Members

The appointment of committee Members is dealt with in the Act.

17.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

17.7 Appointment of deputies

(1) The Council may appoint one or more Members to be a deputy or deputies for a committee member and, where two or more deputies for the same Member are appointed, the Council is to determine the order of priority among those deputies.

(2) A deputy may act temporarily in place of the committee member for whom he or she was appointed as a deputy on any occasion on which, or during any period in which, the committee member is unable to perform the functions of the position.

(3) A member of a committee is not eligible to be appointed as a deputy in respect of the same committee.

(4) Whenever a committee member is unable to attend a committee meeting, or part of a committee meeting, his or her deputy may—

- (a) attend the meeting, or that part of the meeting, in place of the committee member; and
- (b) exercise all the rights, powers and privileges of the committee member.

(5) In any case where more than one deputy is available to act in place of the committee member, the deputy with the higher priority, as determined by the Council under subclause (1), is to act.

17.8 Resignation of committee Members

The resignation of committee Members is dealt with in the Regulations.

17.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

17.10 Standing Orders to apply

These Standing Orders are to apply to the conduct of committee meetings, with the exception of—

- (a) clause 7.1 in relation to seating; and
- (b) clause 7.9 in relation to speaking twice.

17.11 Committee to report

A committee—

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council; and
- (c) as soon as possible after it has decided on a matter referred to it by the Council, is to prepare a report containing recommendations and submitted to the Council.

PART 18—MEETINGS OF ELECTORS

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at general electors' meeting

The matters to be discussed at a general electors' meeting are dealt with in the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these Standing Orders.

18.8 Participation of non-electors

A person who is not an elector or ratepayer of the Shire must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

PART 19—ENFORCEMENT**19.1 Penalty for breach**

Any person who breaches a provision of these Standing Orders, except for clause 11.1, commits an offence under these Standing Orders.

Penalty: \$5,000, and a daily penalty of \$500

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

PART 20—SHIRE'S COMMON SEAL**20.1 Shire's Common Seal**

(1) The CEO is to have charge of the common seal of the Shire, and is responsible for its safe custody and proper use.

(2) The common seal may be used only on the authority of the Council, given either generally or specifically, and every document to which the seal is affixed must be signed by the President (unless otherwise authorised by the Council) and by the CEO or a senior employee authorised by the Chief Executive Officer.

(3) The common seal of the Shire is to be affixed to any local law which is made by the Shire.

(4) The CEO is to record in a register each date on which the common seal of the Shire was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) A person who, without authority, uses the common seal of the Shire, or a replica of it, commits an offence.

Dated 12 March 2009.

The Common Seal of the Shire of Collie was affixed by authority of a resolution of the Council in the presence of—

WAYNE SANFORD, President.

JASON WHITEAKER, Chief Executive Officer.